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 GENERAL ELECTRIC COMPANY, GE
 HEALTHCARE INC. and GE HEALTHCARE
 BIO-SCIENCES CORP.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

PETER JAY GERBER and MIRIAM
 GOLDBERG,

Plaintiffs,

v.

BAYER CORPORATION AND
 BAYER HEALTHCARE
 PHARMACEUTICALS, INC.; BMC
 DIAGNOSTICS, INC.; CALIFORNIA
 PACIFIC MEDICAL CENTER;
 GENERAL ELECTRIC COMPANY;
 GE HEALTHCARE, INC.; GE
 HEALTHCARE BIO-SCIENCES
 CORP.; McKESSON
 CORPORATION; MERRY X-RAY
 CHEMICAL CORP.; and DOES 1
 through 35

Defendants.

CASE NO. CV-07-5918-JSW

**STIPULATION AND ORDER
 EXTENDING TIME FOR DEFENDANT
 MCKESSON CORPORATION TO
 ANSWER THE COMPLAINT**

[Jury Trial Demanded]

(San Francisco County Superior Court Case No.
 CGC07468577)

STIPULATION

WHEREAS, defendant McKesson Corporation ("McKesson") has been served with
 the complaint in this action;

WHEREAS, McKesson recently tendered defense of this case to defendant GE
 Healthcare Inc. ("GEHC");

1 WHEREAS, counsel for GEHC in this action became aware of this tender on
2 January 14, 2008;

3 WHEREAS, GEHC is in the process of diligently evaluating the tender, and in the
4 interim seeks to avoid any prejudice to GEHC and/or to McKesson from any delay in
5 McKesson answering the complaint;

6 NOW THEREFORE, IT IS HEREBY STIPULATED, subject to Court approval,
7 that McKesson shall have until January 31, 2008 to answer the complaint on file in this
8 action.

9 Dated: January 16, 2008

LEVIN SIMES KAISER & GORNICK LLP

10 By: 

11 Lawrence J. Gornick, Esq.
12 Debra DeCarli, Esq.
13 Attorneys for Plaintiff

14 Dated: January 16, 2008

KUTAK ROCK LLP

15 By: 

16 Deborah C. Prosser, Esq.
17 Stephanie A. Hingle, Esq.
18 Attorneys for Defendant
19 GE HEALTHCARE INC.

20 ORDER

21 Good cause appearing therefore, based upon the foregoing Stipulation, defendant
22 McKesson Corporation is granted until on or before January 31, 2008 to answer the
23 complaint on file in this action.

24 Dated: _____

25 JUDGE JEFFREY S. WHITE

PROOF OF SERVICE

Peter Jay Gerber, et al. vs. Bayer Corporation, et al.
U.S. District Court, Northern District of California,
San Francisco Division, Case No. CV-07-5918
(San Francisco Superior Court Case No.: CGC-07-468577)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the City of Los Angeles in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 515 S. Figueroa Street, Suite 1240, Los Angeles, California 90071.

On January 16, 2008, I served the following documents described as

**STIPULATION AND ORDER EXTENDING TIME FOR DEFENDANT
MCKESSON CORPORATION TO ANSWER THE COMPLAINT**

on all interested parties in this action by placing a true copy or the original thereof enclosed in a sealed envelope or package addressed as stated on the attached mailing list.

☐ **(BY FACSIMILE)** The facsimile machine I used complied with Rule 2.301(3) and no error was reported by the machine. Pursuant to Rule 2.306(g)(4), I caused the machine to print a record of the transmission.

☐ **(BY MAIL, 1013a, 2015.5 C.C.P.)** I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **(BY NOTICE OF ELECTRONIC FILING)** Counsel who have consented to electronic service have been automatically served by the Notice of Electronic Filing, which is automatically generated by CM/ECF at the time said document was filed, and which constitutes service pursuant to FRCP 5(b)(2)(D).

☐ **(BY OVERNIGHT DELIVERY/COURIER)** I delivered such envelope or package to a courier or driver authorized by the express service carrier; or deposited such envelope or package to a regularly maintained drop box or facility to receive documents by the express service carrier with delivery fees provided for.

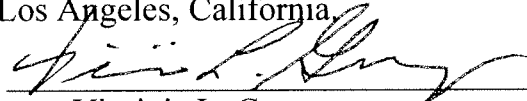
☐ **(BY MESSENGER)** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed above and providing them to a messenger for personal service. (A proof of service executed by the messenger will be filed in compliance with the *Code of Civil Procedure*)

1 [] **(BY PERSONAL SERVICE)** I delivered the foregoing envelope by hand to the
2 offices of the addressee.

3 [] **(STATE)** I declare under penalty of perjury under the laws of the State of
4 California that the above is true and correct.

5 [XX] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of
6 this Court at whose direction service was made.

7 Executed on January 16, 2008, at Los Angeles, California.

8 
9 Virginia L. Gomez

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